

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

WILMINGTON SAVINGS FUND)	
SOCIETY, FSB, d/b/a CHRISTIANA)	
TRUST, NOT INDIVIDUALLY BUT)	
AS TRUSTEE FOR PRETIUM)	
MORTGAGE ACQUISITION TRUST,)	
)	
Plaintiff,)	Docket No. 1:21-cv-00202-NT
)	
v.)	
)	RE: 550 Whitefield Road
BARBARA J. POTTER a/k/a)	Pittston, ME 04345
BARBARA PINETTE and)	
MICHAEL D. POTTER)	
)	Mortgage: July 21, 2011
Defendants,)	Kennebec County Registry of Deeds
)	Book 10795, Page 0181
MAINE REVENUE SERVICES,)	
)	
Party-in-Interest.)	

CONSENT JUDGMENT OF FORECLOSURE AND SALE

NOW COMES the Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust (“**Wilmington Savings**”), the Defendants, Barbara J. Potter a/k/a Barbara Pinette and Michael D. Potter, and Party-In-Interest, Maine Revenue Services, who hereby submit this Consent Judgment of Foreclosure and Sale. Count II – Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment are hereby **DISMISSED** with prejudice at the request of the Plaintiff. **JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

If the Defendants or their heirs or assigns pay Wilmington Savings the amount adjudged due and owing (\$162,587.75) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, Wilmington Savings shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$100,473.81
Interest	\$22,031.02
Escrow/Impound Required	\$23,615.61
Late Charges Due	\$0.16
Fees Currently Assessed	\$16,467.15
Grand Total	\$162,587.75

1. If the Defendants or their heirs or assigns do not pay Wilmington Savings the amount adjudged due and owing (\$162,587.75) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, their remaining rights to possession of the Pittston Property shall terminate, and Wilmington Savings shall conduct a public sale of the Pittston Property in accordance with 14 M.R.S. § 6323, disbursing the proceeds first to itself in the amount of \$162,587.75 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S. § 6324. Wilmington Savings will not seek a deficiency judgment against the Defendants pursuant to the Settlement Agreement executed herewith.

2. Pursuant to 14 M.R.S. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.

3. The amount due and owing is \$162,587.75.
4. The priority of interests is as follows:
 - Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, has first priority, in the amount of \$162,587.75, pursuant to the subject Note and Mortgage.
 - Maine Revenue Services has the second priority behind the Plaintiff pursuant to a lien dated April 13, 2016, in the amount of \$2,559.27, and recorded in the Kennebec Registry of Deeds in Book 12271, Page 83.
 - Barbara J. Potter a/k/a Barbara Pinette and Michael D. Potter have the third priority behind the Plaintiff.
6. The prejudgment interest rate is 3.87500%, *see* 14 M.R.S. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. Sec. 1961.
7. The following information is included in this Judgment pursuant to 14 M.R.S. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust c/o Pretium Mortgage Credit Management, 120 South Sixth Street, #2100 Minneapolis, MN 55402	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANTS	Michael D. Potter 7 Carlisle Avenue Augusta, ME 04330 Barbara J. Potter a/k/a Barbara Pinette 29 Marc Avenue Topsham, ME 04086	Pro Se John E. Baldacci, Jr., Esq. Steve Smith Trial Lawyers Governors Hill Mansion 136 State Street, 2 nd Floor Augusta, ME 04330

PARTY-IN-INTEREST	Maine Revenue Services c/o Kevin J. Crosman, Esq., Assistant Attorney General 6 State House Station Augusta, ME 04333	Kevin J. Crosman, Esq. Assistant Attorney General 6 State House Station Augusta, ME 04333
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- a) The docket number of this case is No. 1:21-cv-00202-NT.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 550 Whitefield Road, Pittston, ME 04345, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 550 Whitefield Road, Pittston, ME 04345. The Mortgage was executed by the Defendants, Barbara J. Potter a/k/a Barbara Pinette and Michael D. Potter on July 21, 2011. The book and page number of the Mortgage in the Kennebec Registry of Deeds is Book 10795, Page 0181.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an *in rem* judgment against the property, 550 Whitefield Road, Pittston, ME 04345.

Dated: March 1, 2022

/s/ Reneau J. Longoria, Esq.
Reneau J. Longoria, Esq., Bar No. 5746
Attorneys for Plaintiff
Doonan, Graves & Longoria,
LLC 100 Cummings Center,
Suite 303C Beverly, MA 01915
(978) 921-2670
RJL@dgandl.com

Dated: February 22, 2022

/s/Michael Potter
Michael D. Potter
7 Carlisle Avenue
Augusta, ME 04330

Dated: February 28, 2022

Kevin J. Crosman, Esq.
Maine Revenue Services
c/o Kevin J. Crosman, Esq.,
Assistant Attorney General
6 State House
Station Augusta,
ME 04333

Dated: February 22, 2022

/s/Barbara J. Bruce
Barbara J. Potter a/k/a Barbara
Pinette a/k/a Barbara Bruce
29 Marc Avenue
Topsham, ME 04086

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 29th day of March, 2022.

EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): R845

Land Situated in the County of Kennebec in the State of ME

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON SITUATED IN PITTSBORO, COUNTY OF KENNEBEC, STATE OF MAINE, ON THE NORTHERLY SIDE OF A ROAD KNOWN AS THE NORTH WHITEFIELD ROAD AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE LINE OF SAID ROAD AT THE SOUTHWEST CORNER OF LAND NOW OR FORMERLY OWNED BY GEORGE E. SPARROW AND RUNNING NORTHERLY ON SAID SPARROW'S LINE ALONG A STONE WALL ELEVEN RODS, MORE OR LESS; THENCE WETERLY ALONG THE SOUTHERLY LINE OF LAND NOW OR FORMERLY OWNED BY CHARLES LEAVITT, ALSO ALONG A STONE WALL, ELEVEN RODS, MORE OR LESS; THENCE SOUTHERLY AND PARALLEL WITH SAID SPARROW'S LINE ELEVEN RODS, MORE OR LESS, TO THE SAID NORTH WHITEFIELD ROAD; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID ROAD TO THE POINT BEGUN AT.

Commonly known as: 550 Whitefield Road, Pittsboro, ME 04345